

1 at that point. There were nicely labeled Issues Programs  
2 List from the nineties, they had NPR and a couple of the  
3 public affairs shows, they also had a Program Guide in them,  
4 I saw that there was the contour map, I saw the engineer's  
5 statement, it looked like everything was fine.

6 BY MR. SHOOK:

7 Q So, this would have been around mid March you  
8 would have looked at the KALW Public File?

9 A Exactly. I mean I started to look at it in the  
10 very beginning, like my second week there, because I had  
11 three days off, after I started I had a brief time off I had  
12 already planned something, couldn't be at work, so it really  
13 got my feet on the ground the second week in March. I had  
14 all my keys and all that. And was just trying to connect  
15 the dots with all this and trying to get movement. And Mr.  
16 Sanchez was game for the movement, yeah, you know. So, he  
17 sent this to Jackie and I as a draft. And, you know, at  
18 first glance it seemed fine, it seemed like things were  
19 being answered, everything was in order, and that we were  
20 trying to get some movement around this issue. So, we said,  
21 that's great, Ernie, send it off.

22 Q Now, you know, I really only asked you about  
23 Directive 1, and so it may be a bit unfair in the sense that  
24 there were four other directives. And would it be the case  
25 that you would have looked at the entirety of the letter and

1 the attachments prior to the time it was sent to the  
2 Commission?

3 A I don't remember attachments but I do remember  
4 looking at the letter, trying to read it as best I could,  
5 certainly not with the eye that I have now.

6 Q Well, in reading it in March of 2001, or early  
7 April of 2001, whenever it was that you actually read the  
8 draft, did it ever come up that you should supply your own  
9 declaration to verify whatever it was that was said in the  
10 letter?

11 A No.

12 Q And would it be fair to state that you did not do  
13 that because you didn't have any personal involvement in  
14 what was going on at the station at the time the renewal  
15 certification was made?

16 A I couldn't speak from knowledge, so --

17 Q Right, you weren't there.

18 A I wasn't there.

19 Q So, in terms of, you know, your understanding or  
20 your view that the information that appeared in the draft  
21 that you saw was accurate, it was based on your  
22 understanding of the situation at the time?

23 A Exactly right.

24 Q Did you happen to discuss with Mr. Helgeson the  
25 contents of the response to Directive 1?

1 A I don't remember. I might have, I don't remember.

2 Q Now, if you could look at Directive 2 and the  
3 response to that?

4 A The Issues Programs List.

5 Q Right, which begins on page five. Why don't you  
6 just take a moment to read through the response. You can do  
7 that to yourself.

8 MR. SHOOK: We can go off the record.

9 (Off the record at 4:08 p.m.)

10 (On the record at 4:10 p.m.)

11 BY MR. SHOOK:

12 Q What you've read is Directive 2 and the response  
13 that the station gave at that time in April of 2001. Did  
14 you have a chance to review the station's response prior to  
15 it's submission to the FCC?

16 A In the draft form, I looked over it.

17 Q And as far as you could tell, it was accurate?

18 A I can't really recall. I think I was working on a  
19 lot of trust then.

20 Q One question that I didn't ask with respect to  
21 Directive 1 and the response to it, and if you need to  
22 please feel free to read it again, it's rather lengthy.  
23 Knowing what you know now, is there anything in the response  
24 that you would change? I can get more specific as time goes  
25 along but I'll just start with something very broad and

1 general.

2 A That's a very complicated question, sir. I'm not  
3 quite sure what I know now even. You mean about that time,  
4 knowing what I know now about that time, or knowing what I  
5 know now about Public Information File?

6 Q Let me try to break it out in little -- in more  
7 manageable pieces. First of all, the directive is focusing  
8 on what was going on in August 1, 1997 when the license  
9 renewal application was filed. So, obviously it deals with  
10 a period of time that you had absolutely no involvement in  
11 what was going on at the radio station. But, knowing what  
12 you know now, do you know whether the 'yes' response to the  
13 directive on August 1, 1997, when the subject license  
14 renewal application was filed, did the KALW Public  
15 Information Files contain all of the Ownership Report and  
16 Supplemental Reports required to be kept by then Section  
17 73.3527?

18 A I'm not sure what I know now makes any difference,  
19 only in that what I do know is I think everybody had correct  
20 intent. When I looked at it, when I really drilled down  
21 some months later and kept going back to the Public File,  
22 because this was such a big deal, I saw there were Ownership  
23 Reports in there for those years, it seemed fine. It was  
24 like oh, okay, I didn't micro them, I didn't look at  
25 everything, I just gave it a cursory look, oh, well, this

1     seems okay and this seems okay.

2           Q     Let me tell you what is bothering the Commission,  
3     I'll try to put it as well as I can.  On August 1, 1997  
4     there was a renewal application that was filed at the FCC  
5     and one of the boxes was checked yes, to the effect that all  
6     of the documents that the then rules required were actually  
7     in the station's Public File.  And following that, there was  
8     the Petition to Deny, which came from Golden Gate Public  
9     Radio and they made all sorts of charges.  But, one of them  
10    was to the effect that there were gaps in the understanding  
11    Public File, that there were supposed to have been certain  
12    documents in the file which at the time weren't there.  And  
13    so the certification wasn't appropriate, it should have been  
14    checked 'no' instead of 'yes'.  Now, fast forwarding to  
15    February of 2001, the Commission is finally getting around  
16    to focusing on this and it's asking KALW SFUSD to go back in  
17    time and look at what was happening on August 1, 1997 and  
18    just tell us yes or no, were all of the documents that were  
19    supposed to be in the file there.  And you can see from the  
20    response that the first word is 'yes'.  And you've indicated  
21    to us that when you first came to the radio station you had  
22    reviewed this response and draft and it seemed okay to you  
23    based on what you knew at the time.

24               Well, now it's three and a half years later and  
25    presumably there are things that you know now that you

1 didn't know in March of 2001, and so with that, all of that  
2 background in mind, my first question is, is that 'yes'  
3 response appropriate for what was in the station's Public  
4 File on August 1, 1997?

5 A In all honesty, I would say that there were some  
6 little tricks done by GGPR, that's my guess.

7 Q Okay. And what tricks do you think they pulled?

8 A There was open access to the Public File drawer.  
9 Dave Evans was the Chief Engineer at the time, from what I  
10 can gather, just from little notes that I've found in files,  
11 where he would admonish an AO or praise them, he seemed a  
12 little not schizophrenic, that's not the right word, but  
13 passive aggressive.

14 Q Just enlighten me, what is an AO?

15 A Oh, announcer operator.

16 Q Okay.

17 A I'm sorry.

18 Q Okay.

19 A They're staff at the station.

20 Q Okay.

21 A And there was so much personalization of  
22 everything. I mean people, it felt to me, in reviewing it,  
23 in knowing some of the players on the periphery, because I'm  
24 kind of a public radio industry person so I know all the  
25 players in public radio, it seemed vicious, and that being

1 in a General Manager position at a couple of different  
2 stations, I wouldn't be surprised if all kinds of things  
3 were taken out of that Public File and used against the  
4 station at all, it would not surprise me one iota.

5 So, I couldn't say for truth those things were  
6 there or they weren't there because shenanigans were going  
7 on with people that had complete access.

8 Q Now, recognizing that Mr. Evans is no longer with  
9 us, and so there was no way for you to actually --

10 A Ever meet him.

11 Q -- confront him or question him about what he may  
12 have done or not done relative to the Public File.  
13 Apparently there are other individuals involved, or that had  
14 been involved in this Golden Gate Public Radio petition, who  
15 you could speak with, for example, Jason Lopez. And in that  
16 regard did you ever happen to speak with Mr. Lopez about  
17 access to the Public File and whether or not he may have  
18 taken something from the Public File and not put it back?

19 A Quite frankly, I tried to have as little to do  
20 with Mr. Lopez as possible. I didn't respect him. He had  
21 come to -- the station had thrown a little party for me, I  
22 think it was around mid April or something, just meet the  
23 General Manager, and he appeared and he was very bold and  
24 cavalier. And my heard was broken over a license challenge,  
25 that's the worst thing you can levy against a station,

1 especially public radio. I'm very patriotic about it, I  
2 believe in public radio as an American trust. And so I  
3 couldn't be flippant, and he was very flippant with me at  
4 this little party. And I just said, were you aware that  
5 GGPR would never have gotten the station, it goes up to  
6 auction, it's in the non-commercial bandwidth and it would  
7 go for auction, it's not like it's handed to you, oh here,  
8 now it's your pond. Oh, well, we were just, you know, he  
9 gave me some blustery remark, I can't quite, I won't quote  
10 him because I can't remember it, but I just backed off and  
11 said, you know, it's cost the station a lot of money.

12 Q Did you have any subsequent contact with Mr. Lopez  
13 about the substance of the petition or the substance of any  
14 response that SFUSD made in response to the petition?

15 A I did not feel it was proper to commingle.

16 Q Do you know Deirdre Kennedy?

17 A I do.

18 Q Have you had any contact with her relative to the  
19 substance of the Petition to Deny or SFUSD's response to the  
20 petition?

21 A Zero.

22 Q Have you had any conversations with her at all?

23 A She came to the station once about six months  
24 after I had been there, wanted to use the production room.  
25 I said okay. Then about three months after that she sent me

1 an email wanting to have a program on the station. And I  
2 said no, try the station you're working for, KQED. And  
3 that's been my contact with Deirdre Kennedy.

4 Q Have you had any contact with a person named Mel  
5 Baker?

6 A Once over the phone.

7 Q And what was that all about?

8 A Mr. Baker works for Metro Traffic and we use Metro  
9 Traffic for our traffic reports. And I believe the station  
10 in the past has been sensitive enough not to ask for Mel to  
11 be on our station and give the traffic report, we have  
12 another guy we use. And I think at one time Mel was filling  
13 in for somebody on a traffic report, it must have been about  
14 a year ago, and he gave a terrible traffic report, and I was  
15 really angry, like he had missed his cue and then when they  
16 tried to bring him up again it was just really sloppy radio.  
17 So, I called Metro and I'm like, hey, what are you doing,  
18 this should be clockwork for you guys, you're butchering our  
19 breaks, what's going on. Oh, Nicole, this is Mel Baker.  
20 Oh, then I connected the dots, oh, I think I've seen that  
21 name. You know, you're really doing great thing at the  
22 station, I'm really sorry, GGPR -- and I said, you know,  
23 really, Mel, I don't want to talk about it, please, if you  
24 ever fill in again hit the spots. Click.

25 Q That was that?

1 A That was that.

2 Q And no subsequent contact?

3 A No.

4 Q All right, focusing on -- well -- focusing on the  
5 response that SFUSD gives, the information that has come out  
6 during the course of the depositions and other discovery  
7 that we have done, is to the effect that Ownership Reports  
8 that concern 1993 and 1995, what we have right now is dated  
9 in December of 1997. In other words, it's dated four months  
10 after the actual license renewal is filed.

11 A The license renewal was filed in July of 1997.

12 Q It was certified on July 31, it was filed on  
13 August 1.

14 A Okay.

15 Q So, if the Ownership Reports for 1993 and 1995  
16 weren't prepared for the first time until December of 1997,  
17 the certification wouldn't have been correct, you would  
18 agree with that?

19 A It sounds logical.

20 Q Now, has anything come to your attention that  
21 would indicate that Ownership Reports for 1993 and 1995 had  
22 in fact been prepared in 1993 and 1995, and not December of  
23 1997?

24 A Only in this current process, I believe that that  
25 did come up, that these were backdated, is that the correct

1 term.

2 Q I think I understand what you're saying. I'm not  
3 really sure if that's correct, but I'm not going to worry  
4 about that. I guess where I'm going with this is, did any  
5 information come to you that said, for example, well, the  
6 1993 report, which the only copy of which we now have bears  
7 a date of December 1997, there was in fact a report prepared  
8 in January of February of 1993 and that that report was  
9 placed in the Public File at that time. Has any information  
10 like that come to your attention?

11 A Not really.

12 Q With respect to the 1995 report, which is also  
13 dated in December of 1997?

14 A Right.

15 Q The only copy we've got right now.

16 A Right.

17 Q Has any information come to your attention that a  
18 1995 Ownership Report was in fact prepared and placed in the  
19 station's Public File in January of February of 1995?

20 A Only as I've read through and noted the dates that  
21 the then Superintendent Rojas signed it, that's what I meant  
22 by going through this now and looking at those dates, on  
23 what was in the Public Information File for the Ownership  
24 Reports.

25 Q I'm showing you what we understand to be the 1995

1 report which came as Attachment 4 to some admissions  
2 responses. When you get to page two of that form, you will  
3 note that it appears to have been signed in December of  
4 1997. And that there's a signature that appears to be  
5 Baldomar Rojas. And then there are, it looks like, some  
6 initials that follow. Do you have any knowledge as to who  
7 that person may be, whose initials appear there?

8 A I have no knowledge at the station. In fact,  
9 quite frankly nobody at the station has those initials. I  
10 don't know. Maybe the secretary.

11 Q We're all hoping that at some point somebody will  
12 jump and say it's me, but thus far we haven't had that.

13 A LD, is that the good kind of cholesterol?

14 Q I think it's HDL is the good one. Likewise, for  
15 the one that has been presented to us as the 1993 Ownership  
16 Report, which came as Attachment 2 to the admissions  
17 responses, you'll see that this is for January 31, 1993.  
18 And then when you go to the second page you will see that it  
19 too appears to have been signed 10 December 1997. And again  
20 we have Baldomar Rojas and the mysterious LD.

21 A Did this change, yes, it must have from --

22 Q Yes, we have different information in 1993 than we  
23 do in 1995. There were changes. Has the preparation of the  
24 1995 report been the topic of discussion in the office, that  
25 you're aware of, do you have any idea how it is this report

1 came to be prepared?

2 A Not since I've been there.

3 Q Moving on to response No. 2, Directive No. 2, you  
4 can see here on August 1, 1997, did KALW Public File contain  
5 all of the Issues Programs Lists required by then Section  
6 73.3527? And in response to that the letter provides a  
7 'yes' and then it goes on from there. Knowing what you know  
8 now, on August 1, 1997 did the station's Public File contain  
9 all the lists that were required by the rules?

10 A I don't know anything more than anybody else. I  
11 would hope so.

12 Q Okay. I mean I can tell you it's fair to state  
13 that if you don't know, you can just say I don't know.

14 A I don't know, I really don't know.

15 Q And has anyone at the station ever told you that  
16 on August 1, 1997 all of those reports weren't there, all of  
17 those lists weren't there?

18 A Nobody ever said that.

19 Q Nobody ever said that?

20 A No.

21 Q On the other hand, has anybody said to you, on  
22 August 1, 1997, by God, those lists were there?

23 A I surmised it from reading the draft.

24 Q Okay. But, has anybody at the station told you, I  
25 mean like I'm talking to you now --

1           A     It's more like the Issues Programs Lists were  
2 fine.

3           Q     And who would have told you that?

4           A     Probably in conversation with Bill.

5           Q     Bill Helgeson?

6           A     Yes.

7           Q     Okay.

8           A     We don't have a very big staff.

9           Q     All right. I'm on a first name basis with a few  
10 people.

11          A     Well, I mean there's not many people to talk to,  
12 there's about three or four of us.

13          Q     Now, reading the first paragraph where it talks  
14 about SFUSD and the present management believe that its  
15 Public Information Files as of August 1, 1997 contained all  
16 required Issues Programs List, materials, etcetera. Are you  
17 part of the present management that had that belief, or were  
18 you not involved in what is covered here by the term  
19 'present management'?

20          A     I was not asked did I believe that the Public File  
21 had all that, I was not asked that directly. I would  
22 surmise that I was included, however, I would surmise that  
23 it's management.

24          Q     But, to be fair to you, there is no declaration  
25 from you to that effect in this letter so --

1           A     Right.

2           Q     -- that's why I'm trying to hone in on whether or  
3 not the present management, as referenced in this letter,  
4 really is meant to include you or not, since --

5           A     I don't know.

6           Q     -- you didn't get to sign anything?

7           A     (No audible response.)

8           Q     Let the record reflect relief. Now, focusing in  
9 particular on the last sentence of that paragraph where it  
10 reads, 'Furthermore, according to information in the files  
11 of KALW's counsel, KALW station management again reviewed  
12 the Public Information Files in January 1998". Well, of  
13 course that couldn't have been you because you weren't  
14 there?

15          A     Right.

16          Q     All right, so that ends that. Now, moving onto  
17 the next paragraph, the first sentence reads, 'However, when  
18 KALW's present management reviewed the Issues Programs List  
19 file for the period in question', and that would have been  
20 the period covered by the August 1, 1997 renewal  
21 application, 'in connection with', there should be a word  
22 there, 'in making its response to the bureau's inquiry  
23 letter, they did not find, for each and every quarter during  
24 that period, specifically prepared lists with respect to all  
25 locally produced programs, but only the nationally produced

1 NPR Issues Programs Lists.'

2 Did you have any role whatsoever in the factual  
3 assertions that appear in this sentence?

4 A No, that might have been going on when I first  
5 came in. I know that Bill was reviewing the Public File,  
6 the Issues Programs List specifically.

7 Q Now, moving on to the next paragraph, the first  
8 full paragraph that appears on page six, it reads, 'SFUSD  
9 and KALW's present management are unable to explain what may  
10 have happened to this', referring to other issues or lists  
11 that were referenced above, 'or any other missing lists with  
12 respect to its locally produced programs.' Again, where it  
13 refers to KALW's present management, in the context of this  
14 sentence, is that supposed to reference Mr. Helgeson?

15 A That's, I would assume.

16 Q And you would have no reason to assume otherwise?

17 A No.

18 Q I mean there wouldn't be anybody besides yourself  
19 and him?

20 A Exactly, that's pretty much it.

21 Q As you say, a small staff. All right, moving on  
22 to the second inquiry, which is basically a subpart of the  
23 Directive No. 2, I guess it was broken out into two parts  
24 and we couldn't be bothered to go 2(a) or 2(b), we just  
25 lumped them together as 2. The second part of it reads,

1 'Did any lists that were in the file contain the information  
2 required by Section 73.3527.' And the response to that was,  
3 'SFUSD and the present management at KALW FM believe that  
4 its Issues Programs List file contained all information  
5 required by then Section 73.3527 but as stated above cannot  
6 presently account for a limited number of lists of  
7 significant issues that were treated in locally produced  
8 programs.' Again, the present management would be  
9 Mr. Helgeson?

10 A I assume.

11 Q Moving on to page seven, again there's a reference  
12 to present management of KALW, your assumption would be that  
13 that is referring to Mr. Helgeson?

14 A Yes.

15 Q In the context of this letter?

16 A In the context of that letter, yes.

17 Q Now, looking at the first full paragraph of page  
18 seven, if you could please just read that to yourself?  
19 Having read that first full paragraph that appears on page  
20 seven of the April 5, 2001 letter, is there any information  
21 in that paragraph that you know now to be inaccurate?

22 A I don't think so.

23 Q Now, looking at the sentence in the middle of the  
24 paragraph, 'SFUSD believes and avers', and we had our little  
25 conversation as to what 'avers' means, 'that these materials

1 were present in the file on August 1, 1997.' Do you have  
2 any knowledge as to whether that in fact was so, that all  
3 the Issues Programs Lists that were required by the rule  
4 were in fact in the file on August 1, 1997?

5 A I have no idea.

6 Q Now, moving on to Directive Question No. 4, the  
7 response refers to the present General Manager and  
8 Operations Manager. I take it we're talking about two  
9 separate people and the General Manager there referred to is  
10 you?

11 A Yes.

12 Q And it states that, 'Those two persons have  
13 completely reviewed the Public Information File and made  
14 sure that it contains all required documents, reports and  
15 information through to the present.' Would that be  
16 accurate?

17 A That would be accurate. It was from 1992 on, I  
18 believe.

19 Q In any event, you personally satisfied yourself  
20 that the information that was supposed to be there, dating  
21 back to the period that the Commission was concerned about,  
22 was in fact in the file?

23 A Towards the end of March, yes.

24 Q Yes. Okay. And so when we get to Directive  
25 Inquiry No. 5, as of the date of this letter is the file now

1 complete? And the response is 'yes'. And I take it, from  
2 what you have told me, that that would be so, that the  
3 answer to that question in April of 2001 was yes, is that  
4 the case?

5 A Given my knowledge of what programs they were  
6 doing, yes, I had a fairly limited knowledge because I  
7 wasn't listening during the nineties, as to actually what  
8 they were broadcasting, but given my limited knowledge at  
9 the time, yes, I believe it was. It looked --

10 Q It looked okay to you?

11 A Nice labels.

12 Q Do you know who actually put the file together in  
13 terms of something like this, a file folder that I'm holding  
14 now that has a nice little label on it, do you know who  
15 actually physically did that for KALW?

16 A Bill was working on it and he had a helper, a  
17 woman.

18 Q And do you know who that helper was?

19 A Her name is Dawn Nagengast.

20 Q Is she still at the radio station?

21 A No.

22 Q Was she a volunteer or an employee at the time?

23 A She was a volunteer.

24 Q And when did she stop providing volunteer services  
25 for the radio station?

1           A     Shortly after I arrived.

2           Q     Do you have any knowledge as to where she might be  
3 right now, I mean not physically right now but, you know, is  
4 she in this area, did she move out, do you have any idea  
5 where she may be?

6           A     I have no idea. I believe she might still be  
7 around, I don't know, I have no connection whatsoever.

8           Q     Not somebody that you stayed in touch with?

9           A     No.

10          Q     Now, Mr. Helgeson supplied a declaration in  
11 connection with the letter that was sent to us in April of  
12 2001. And if you could read to yourself the contents of the  
13 declaration. We can go off for a minute.

14                   (Off the record at 4:40 p.m.)

15                   (On the record at 4:41. p.m.)

16           MR. SHOOK: Back on.

17           BY MR. SHOOK:

18          Q     Ms. Sawaya, did you have any role whatsoever in  
19 the creation of Mr. Helgeson's declaration that you're  
20 looking at?

21          A     None whatsoever.

22          Q     Now, focusing on paragraph five, the first  
23 sentence reads, 'I am familiar with and have personal  
24 knowledge of the contents of KALW's Public Information File.  
25 All the Ownership Reports and Supplemental reports provided

1 as attachments to the response letter are true and correct  
2 copies of documents that are maintained in KALW's Public  
3 Information File, which copies were provided to SFUSD's  
4 counsel so that they could be included as attachments to the  
5 response letter and provided to the FCC.' Did you have any  
6 role in providing the documents that are referenced here,  
7 that being the copies of documents that are maintained in  
8 the Public Information File?

9 A No.

10 Q Do you know who did?

11 A I surmise Bill.

12 Q Right, but you did not and you don't necessarily,  
13 you don't really know one way or the other who actually got  
14 the documents?

15 A I really don't know one way or another.

16 Q Rule of thumb, when you don't know, don't be  
17 afraid to say I don't know, it's not an adverse reflection.

18 A I don't know. That's unusual to say at a  
19 microphone. Listeners, I don't know.

20 Q Now, one of the things that was sent to us as part  
21 of the information that was in the station's Public File,  
22 was a copy of a Program Guide. And this is for the period  
23 April, May, June 1997. When you looked at the KALW Public  
24 Information File, was a Program Guide available for each  
25 period that was covered by the license renewal application

1 that is being contested?

2 A I seem to recall that there was.

3 Q So, in other words, there would have been program  
4 guides that would have gone back to, well, probably 1991,  
5 and so it would have had for 1991, for 1992, etcetera, and  
6 this would have been probably the second to the last one in  
7 1997?

8 A Right.

9 Q There would have been one for what, May, or no  
10 excuse me, this would have been the last one, because the  
11 renewal application was filed in August so, the next program  
12 guide would have been July, August and September. But, your  
13 recollection is that when you looked at the Public File  
14 there were program guides that dated back to the --

15 A That's my recollection. Certainly there were the  
16 late nineties. I don't recall really having the time. I  
17 mean I looked through, seemed like every one of them had a  
18 program guide in them.

19 Q All right. Now, looking at this final piece of  
20 our puzzle, or this portion that we're looking at, this  
21 appears to be a document that comes from National Public  
22 Radio, and it concerns programs that they did. And it's a  
23 12 page document, and as best as we can figure --

24 A Good old NPR.

25 Q Right, good old NPR -- as best as we can figure,

1 given the information here, it pertains to programs that NPR  
2 ran, it looks like, in 1997, this particular one that I'm  
3 pointing out, under War Ethnic Conflict Stymies Armenia  
4 Progress.

5 A Morning Edition.

6 Q -- and Morning Edition, April 7, 1997, it ran for  
7 eight minutes and one second, or I guess that's what that  
8 means?

9 A Yes.

10 Q And then there was a person--

11 A Anne Garrels.

12 Q -- Anne Garrels. So, this 12 page list concerned  
13 programming that NPR would have supplied to its network  
14 stations, I presume during the period beginning April 1997  
15 and continuing, it looks as if it goes into June of 1997.  
16 And is this the kind of information that NPR would regularly  
17 make available to stations such as yourself, to help you put  
18 together the Issues Programs List?

19 A NPR is very fastidious about making sure that  
20 their member stations has as many tools as possible to meet  
21 FCC regulations.

22 Q Now, looking at this document, there's a date that  
23 appears basically in the upper right hand portion, and that  
24 date reflect that, the date looks like 3/14/01?

25 A Uh-hum.

1 Q Now, do you have any reason to know whether the 12  
2 page document we're looking at here, that bears that date of  
3 3/14/01, that that was when that document was generated?

4 A It might have been.

5 Q You don't know one way or the other?

6 A No, not for sure.

7 Q Again, it's okay to say you don't know.

8 A I don't know.

9 Q Now, the next document I want to show you, and it  
10 may even be the last document I want to show you?

11 A Aw shucks, I'm getting less time than everybody  
12 else.

13 Q I know, it's discrimination rearing its ugly head  
14 again. Okay. What I'm showing you is a document that we  
15 received from SFUSD and it was filed at the Commission on  
16 September 7, 2004, and my first question to you is whether  
17 or not you had any role whatsoever in providing the  
18 information that appears in the Admissions Responses that  
19 were sent to the Commission, and we can go off the record  
20 and feel free to thumb through.

21 (Off the record at 4:49 p.m.)

22 (On the record at 4:53 p.m.)

23 MR. SHOOK: We're back on.

24 BY MR. SHOOK:

25 Q I'd like you to turn to page six and the

1 particular admissions request and then SFUSD response that I  
2 want you to focus on is No. 12. And when you get to the  
3 very last sentence, which appears on page seven, it states,  
4 'The three pages that SFUSD believes constitutes the SFUSD  
5 1993 Supplemental Ownership Report are reproduced at  
6 Attachment 2 hereto.' And when you got to the back, there  
7 are four attachments. And the second attachment is the one  
8 that's referenced in that response, and it consists of three  
9 pages, and the middle page of which reflects that it was  
10 signed off on in December of 1997.

11 In response to admissions request No. 12, did you  
12 have any role in gathering the three pages that appears as  
13 Attachment 2 to the response?

14 A Yes, given Bill's eyesight issue, I've basically  
15 been the one pulling together the paperwork out of the  
16 Public File for this current round.

17 Q Did it come to your --

18 A Can I ask a question?

19 Q Sure.

20 A Is that what you mean by role?

21 Q Yes. Now, in the course of pulling the three  
22 pages out, that appear as Attachment 2 in connection with  
23 request and response No. 12, I take it, it came to your  
24 attention that the document that you were submitting was not  
25 the same one --